
CHAPTER 1145

ENFORCEMENT; PERMITS AND FEES; PENALTY

1145.01 GENERAL.

This chapter stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approvals under this Ordinance.

1145.02 ZONING PERMITS.

No building or structure (including patios and decks) within the City shall hereafter be erected, moved, added to, or razed; nor shall any building, structure, or land be established or changed in use without a Zoning Permit issued by the Zoning Inspector. A Zoning Permit issued by the Zoning Inspector shall state that the proposed use for the building or land complies. Permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance.

1145.03 CONTENTS OF APPLICATIONS FOR ZONING PERMIT.

The application for a Zoning Permit shall be made in writing and signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. At a minimum, the application shall contain the following information and accompanied by all required fees:

- (a) Name, address, and phone number of applicant.
- (b) Existing use.
- (c) Proposed use.
- (d) Zoning district.
- (e) On all applications for new buildings, permits shall be accompanied by a drawing, showing the lot plan, the location of the building on the lot, accurate dimensions of building and lot, and such other information as may be necessary to provide for the enforcement of this Zoning Code. A careful record of the original copy of such applications shall be kept in the office of the Zoning Inspector, and the duplicate copy shall be kept at the building site at all times during construction.
- (f) Building height.
- (g) Number of off-street parking spaces or loading berths and their layout.
- (h) Location and design of access drives.
- (i) Number of dwelling units.
- (j) If applicable, application for a sign permit or a conditional, special, or temporary use permit, unless previously submitted.

- (k) Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of this Ordinance.

1145.04 APPROVAL OF ZONING PERMIT.

Within 30 days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Ordinance. One copy of the permit shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector has marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of permit, similarly marked, shall be posted, by the applicant, in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Ordinance.

1145.05 EXPIRATION OF ZONING PERMIT.

If the work described in any Zoning Permit has not begun within one year from the date of issuance thereof, said permit shall expire. If the work described in any Zoning Permit has not been substantially completed with two and one-half (2½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector. Further work, as described in the canceled permit, shall not proceed unless and until a new Zoning Permit has been obtained or an extension granted.

1145.06 RECORD OF ZONING PERMITS.

A record of all permits shall be kept on file in the office of the Zoning Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

1145.07 FAILURE TO OBTAIN A ZONING PERMIT.

Failure to obtain a Zoning Permit shall be a punishable violation of this Ordinance (Refer to **Section 1145.15**).

1145.08 CONSTRUCTION AND USE AS PROVIDED IN APPLICATIONS AND PLANS.

Zoning Permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications or amendments thereof and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Ordinance.

1145.09 COMPLAINTS REGARDING VIOLATIONS.

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, a person may file a complaint with the Zoning Inspector. The Zoning Inspector shall properly record such complaint, immediately investigate it, and take action thereon as provided by this Ordinance.

1145.10 ENTRY AND INSPECTION OF PROPERTY.

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Ordinance. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the Law Director in securing a valid search warrant prior to entry.

1145.11 STOP WORK ORDER.

Subsequent to his determination that work is being done contrary to this Ordinance, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Ordinance.

1145.12 ZONING PERMIT REVOCATION.

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.

1145.13 NOTICE OF VIOLATION.

- (a) Whenever the Zoning Inspector or his/her agent determines that there is a violation of any provision of this Ordinance, a notice shall be issued. Such notice of violation shall include the following:
 - (1) A statement of the reasons why it is being issued and refer to the sections of this Ordinance being violated; and
 - (2) State the time by which the violation shall be corrected.
- (b) Service of notice of violation shall be as follows:
 - (1) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
 - (2) By certified mail deposited in the United States Post Office addressed to the person or persons responsible at the last known address. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or

- (3) By posting a copy of the notice form in a conspicuous place on the premises found in violation.

1145.14 TICKETING PROCEDURE.

If the condition has not been corrected upon re-inspection following the issuance of a notice of violation, the person or persons responsible shall be issued a ticket by the police. Such ticket shall:

- (a) Be served by registered mail.
- (b) Be in writing.
- (c) Identify the violation.

1145.15 PENALTIES AND FINES.

It shall be unlawful to erect, establish, locate construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Ordinance or any amendment thereto. Any person, firm or corporation who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars (\$100) and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation, may each be found guilty of a separate offense and suffer the penalties herein provided.

1145.16 ADDITIONAL REMEDIES.

Nothing in this Ordinance shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Ordinance, or in the case of an imminent threat of such a violation, the Zoning Inspector, Law Director, or owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourse provided by law, institute mandamus, injunction, abatement or other appropriate actions to prevent, remove, abate, enjoin or terminate such violation.

1145.17 SCHEDULE OF FEES.

City Council shall by ordinance, establish a schedule of fees for Zoning Permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the City Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application,

appeal, or administrative procedures.